

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance.

Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 22-29, 32-45, and 48-53 are in the present application. It is submitted that the claims, as originally presented, were patentably distinct over the prior art cited by the Examiner and are in full compliance with the requirements of 35 U.S.C. § 112. Changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Claims 30-31 and 46-47 are canceled.

The specification was objected to because the reference to the parent application needed updating. Although this update is technically not required, Applicants have amended the specification to reflect that the parent application has issued. Accordingly, this objection has been overcome.

Claims 30 and 46 were objected to because they failed to further define the claims from which they depend. In response, Applicants have canceled these claims. Accordingly, this objection is moot.

Claims 22-53 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6, 7, 15, and 16 of the parent application, now U.S. Patent 6,813,681. As noted by the Examiner, a timely filed terminal disclaimer may be used to overcome the provisional double patenting rejections provided the conflicting patent is shown to be commonly owned with the present application. The conflicting patent is commonly owned with the present application. Accordingly, Applicants submit herewith a terminal disclaimer to overcome this rejection.

Claims 29, 45, and 53 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response, claims 29, 45, and 53 have been amended to provide sufficient antecedent basis for the offending terms. Accordingly, Applicants believe this rejection has been overcome.

Claims 20-25, 29-41, and 45-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida et al. (U.S. Patent 6,084,731) in view of Yamamoto (U.S. Patent 5,815,333). Claims 26-28, 42-44 and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Uchida in view of Yamamoto and Kanota et al (U.S. Patent No. 5,596,457).

However, Uchida is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. 103(c)(1). Under the provisions of 35 U.S.C. §103(c), as amended on November 29, 1999, presently 35 U.S.C. §103(c)(1), subject matter developed by another person, which qualifies as prior art only under one of more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or

subject to an obligation of assignment to the same person or organization. Uchida and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Thus, all of the outstanding rejections based upon Uchida in the above-noted Office Action are overcome.

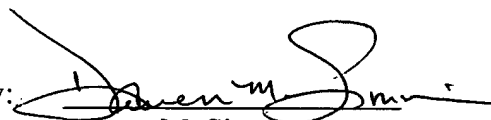
In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

A statutory disclaimer fee is deemed to be required for the filing of this amendment. No additional fees are anticipated, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Darren M. Simon
Reg. No. 47,946
(212) 588-0800